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BANGALORE, THURSDAY, DECEMBER 8, 1910.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 2659—*S. R.* 94-08-6, *dated* 23*rd November* 1910.

In exercise of the powers conferred by Section 4 of the Mysore Excise Regulation, V of 1901, as amended from time to time, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to invest the Officer in charge of the Kolar Gold Fields Patrol Party with power to perform the acts and duties mentioned in Sections 40 to 53, inclusive, of the said Regulation.

By Order,
C. S. BALASUNDARAM IYER,
Officiating Secretary to Government, General and Revenue Departments.

No. 224—*L. C., dated* 3*rd December* 1910.

ERRATUM.

In the Bill to provide for the prevention of smoking by juveniles published under Notification No. 202—L. C., dated 28th November 1910, in the *Mysore Gazette* dated 1st December 1910, Part III, pages 139, 140,—

Page 139, para 3 of the Bill, line 6—

Insert the article 'a' between the words 'of' and 'second.'

Page 140, para 3 of the Statement of Objects and Reasons, line 2—

Omit the word 'the' occurring after the word 'empowers.'

No. 231—*L. C., dated 6th December* 1910.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the reports of the Select Committees on the marginally noted Bills are published for general information.

(1) Bill to amend the Mysore Municipal Regulation, 1906 in certain respects.
(2) Bill to amend the Mysore Local Boards Regulation, 1902.
(3) Bill for the regulation and control of Hackney Carriages in Mysore.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Mysore Municipal Regulation.

We have carefully considered the provisions of this Bill and are of opinion that very few amendments are necessary. We bestowed our careful attention on the question whether the system of licensing articles liable to octroi (principally tobacco and betel leaves) which is reported to have been in vogue within the limits of Bangalore City Municipality and the Civil and Military Station, Bangalore, during the last nearly forty years without giving rise to any complaint of hardship or inconvenience, should be continued. We had the advantage of hearing the Vice-President of the City Municipality in regard to the necessity of continuing this system. In view of the facilities that now exist for smuggling tobacco into the City with the aid of persons who store large quantities of this article in villages immediately outside Municipal limits we are satisfied that, if smuggling is at all to be effectively prevented, the provisions contained in clauses 1 and 3 of the Bill are necessary. We, therefore, recommend that the said clauses (with the slight alterations to be explained below) be retained.

Clause 2 of the Bill provides for the licensing of vehicles or animals plying for hire and prescribes the rates of hire for such vehicles and animals and also for the services of persons hired to carry loads. We consider it unnecessary to prescribe any regulations in respect of animals or persons hired to carry loads as no such system of hiring prevails at present. But it is desirable that vehicles for hire, whether carrying passengers or goods, should be brought under some sort of control. But these matters, we think, can be better provided for in the Hackney Carriage Bill, which is also now before the Legislative Council. We understand that it is the intention of the Committee appointed to consider that Bill to widen its scope and incorporate into it the provisions of this Bill relating to vehicular traffic. It is in our opinion undesirable that the provisions of the Municipal Regulation and those of the Hackney Carriage Bill should overlap each other. We, therefore, recommend that clause 2 of the Bill be omitted.

A slight change is needed in the second proviso to clause 3 (2). This exemption as it stands applies to the case of articles not exceeding Rs. 200 in value *purchased* by any person for his own use or for that of any member of his family; but, we think, it should also for the same reason apply in the case of articles obtained by a person otherwise than through purchase; as, for example, in respect of the produce of a man's own garden. We have therefore substituted the word "kept" for "purchased."

The words "consequent on the owner dying or quitting the station" in the same proviso limits unduly, in our opinion, the application of this exemption. A man may have to sell articles of consumption for other causes than those mentioned here. We have therefore substituted the words "by such person when not required for such use" for the words "by auction, consequent on the owner dying or quitting the station." With these few changes we recommend that the Bill be passed.

We consider it unnecessary that the Bill should be republished.

K. P. PUTTANNA CHETTY.
H. V. NANJUNDAYYA.
A. RANGASWAMI IYENGAR.
D. DEVARAJ URS.
S. NARAYAN RAO.
C. SRINIVASIENGAR.
D. VENKATARAMAIYA.

6th December 1910.

Report of the Select Committee on the Bill to amend the Mysore Local Boards Regulation, 1902.

We, the members of the above Committee, have the honor to submit the following report to the Council.

We have carefully considered the provisions of the above Bill and are of opinion that it may be passed with the few changes described below.

We recognise that several of the provisions of the Bill will not be utilised by many District Boards in the State and that some of them will have only a very restricted local application. Nevertheless, we consider it desirable that such comprehensive provisions should find a place in the Local Boards Regulation so as to enable a District Board to take action under such of the provisions as may be deemed necessary with reference to its particular needs without the necessity of having recourse to fresh legislation. It may be stated that some of these provisions are also contained in the Municipal Regulation, which applies to all the Municipalities in the State and are also to be found in the Local Boards Acts of British India.

Clause 2.

We think that the words "including tolls and fees leviable under Section 31A (1) (*g*)," which are proposed to be inserted at the end of clause 5 of Section 20 of the Regulation, should form a separate clause, and we have accordingly substituted for the words "(i) at the end of clause 5" occurring here, the words "(i) after clause 5, as clause 5 A."

Clause 3.

31 A (1) (*b*).—As a substantive provision requiring licenses to be taken in respect of the matters referred to in this sub-clause seems to be necessary, we propose the insertion of the words "requiring licenses to be taken and" at the beginning of sub-clause 1 (*b*) of Section 31 A.

Sub-clause (h) of clause 1 of Section 31 A.

This general provision regarding power to frame bye-laws for carrying out all the purposes of the Regulation seems to be unnecessary and may be omitted.

To make the meaning clearer we have recast the paragraph on 'infringement' as follows:—

Infringement.—"Any person infringing any bye-laws made under this Regulation shall be punished with fine not exceeding fifty rupees for each offence, and in case of a continuing offence, with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board."

As very few changes have been made by us in the Bill, we consider it unnecessary to republish the Bill.

K. P. PUTTANNA CHETTY.
D. DEVARAJ URS.
S. NARAYANA RAO.
C. SRINIVASIENGAR.

6th December 1910.

I am sorry that I cannot bring myself to agree to the proposed amendments. The existence of such provisions in the Municipal Regulation does not necessarily, in my opinion, justify their introduction into the Local Boards Regulation. If carefully analysed, these provisions affect trades and professions whether of an innocent or offensive character. The scope of the Municipal Regulation is confined to a small area in towns, whereas the control under a District Board extends to the area of a district. Even in large cities where local self-Government has existed for a sufficiently long time, it is found impracticable to bring all trades and professions under coercive legislation by a licensing system. The Local Boards Regulation was only passed in the year 1902, although some attempt at drafting was commenced so far back as 1879. If powers contemplated by this amendment Bill should be conferred on the District Boards, they may be tempted to apply the provisions without knowing their effects upon trade. There are instances in which flourishing small mofussil towns have been seriously affected by the introduction of Octroi duties unwittingly by their Municipal Councils following the example

of the City of Bangalore. The condition of the people is now in a state of transition. Every trade and profession is feeling keenly the effects of competition. The people hitherto engaged in their respective trades and professions from the time of their ancestors are going to the wall with the introduction of labour-saving machinery. Unless the rebuilding of society with up-to-date education has been completed, it is a difficult attempt to bring the existing manufacturers and traders in the mofussil under the stringent licensing system. The provisions under consideration give ample powers for abuse by the ill-paid agency which the Local Boards can afford to employ. It is the sad experience of every Board to find itself quite unable to maintain the several institutions under its control with the funds at its disposal. The appeals from these Boards for State aid demonstrate that their spending departments have been growing year after year to an abnormal extent. The new ideas killed the old and well-established charitable notions that existed in the village community. The Indian traditional methods of charity which every village community practised in the establishment and maintenance of village communal institutions have been disappearing. I am therefore of opinion that the District Boards will have first to be so remodelled as to bring in a popular element which would command that amount of influence and prestige which would enable the Boards to bring private charity to assist them in a large measure in the establishment and upkeep of village communal institutions. After sufficient trial is given to revive and foster such feelings among the village communities, we will have time to consider whether the stringent provisions now contemplated will be asked for by the Boards themselves for introduction. At present, I am constrained to say that no such popular demand for legislation is forthcoming.

6th December 1910. D. VENKATARAMAIYA.

[*N.B.*—MR. M. NARAIN RAO, who was also a member of the Committee, was absent owing to indisposition.]

Report of the Select Committee on the Bill for the regulation and control of Hackney Carriages in Mysore.

We, the members of the Select Committee appointed for the consideration of the above Bill, have the honor to submit the following report to the Council.

It has been brought to our notice that in Bombay a single enactment has been passed to provide for the regulation of vehicles whether intended to carry passengers or goods. Besides the present Bill, there is now before the Legislative Council the Municipal Regulation Amendment Bill, clause 2 of which relates to the regulation of vehicles carrying passengers or goods for hire. As there is no object to be gained in having the same provisions in two different enactments, and as these provisions can well be fitted into the framework of the present Bill, we have changed the title of the Bill into "A Bill for the regulation and control of Public Conveyances in Mysore" and have made the necessary alterations in the body of the Bill also.

The definition of the word "Public Conveyance" as proposed by us includes all vehicles with two or more wheels plying for hire, whether drawn by animals or men, and whether carrying passengers or goods. It will be noticed that rickshaws which are coming into vogue in the larger cities and laden carts drawn by men will fall within this definition.

The other changes made by us are of a purely consequential or verbal character and require no explanatory remarks. Owing to the very few alterations made in the Bill, we consider it unnecessary to republish it. We recommend that the Bill as now amended by us be approved by the Council.

K. P. PUTTANNA CHETTY.
D. DEVARAJ URS.
S. NARAYANA RAO.
C. SRINIVASIENGAR.
D. VENKATARAMAIYA.

6th December 1910.

[*N. B.*—Mr. M. Narain Rao, who was also a member of the Committee, was absent owing to indisposition.]